

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JERRY BLANEY	§	
VS.	§	CIVIL ACTION NO. 1:22-CV-260
STATE OF TEXAS	§	

MEMORANDUM OPINION REGARDING VENUE

Plaintiff, Jerry Blaney, an inmate currently incarcerated at the Wynne Unit, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against the Defendant The State of Texas.

The above-styled action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

Venue in a civil rights action is determined pursuant to 28 U.S.C. § 1391(b). When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where all the defendants reside or in which a substantial part of the events or omissions giving rise to the claim occurred. Venue is not proper in the Eastern District of Texas.

A district court has the authority to transfer a case in the interest of justice to another district in which the action might have been brought. *See* 28 U.S.C. §§ 1404, 1406. Plaintiff's complaint pertains to his conviction out of Dallas County, Texas which is in the Northern District of Texas,

Dallas Division. While Plaintiff only lists the State of Texas as a defendant in his cause title, he complains about State District Court Judge Ovard who presided over his criminal proceedings. Venue is thus proper in the Northern District of Texas, Dallas Division.

Therefore, in the interest of justice, and for the convenience of the parties and witnesses, all claims against the Defendant should be transferred to the Dallas Division of the Northern District of Texas. In transferring venue in this case, the undersigned expresses no opinion as to the merit of Plaintiff's claims. An appropriate order so providing will be entered by the undersigned.

SIGNED this the 24th day of June, 2022.

A handwritten signature in black ink, appearing to read 'C. L. Stetson', written over a horizontal line.

Christine L Stetson
UNITED STATES MAGISTRATE JUDGE